

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)

CODEMASTERS GROUP HOLDINGS  
LIMITED, a foreign corporation,

*Plaintiff,*

v.

SOUTHPEAK INTERACTIVE  
CORPORATION, a Delaware Corporation,

*Defendant.*

Civil Action No. 3:11-cv-068

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION  
FOR EXTENSION OF TIME**

On January 26, 2011, Plaintiff Codemasters Group Holdings Limited ("Codemasters") filed this action against Defendant Southpeak Interactive Corporation ("Southpeak"). On February 1, Southpeak was served with the Complaint. As set forth in the Complaint, this suit is based on a breach of a Settlement Agreement and follows months of stalled negotiations and broken promises by Southpeak to honor its obligations under the Settlement Agreement and pay Codemasters the outstanding amount owed on invoices for the period June 2008 through April 2009 -- an amount totaling over \$1.2 million.

After Codemasters was forced to file this lawsuit to collect what it is owed, Southpeak now is attempting again to stall this matter by asking for an unreasonable extension of thirty (30) days to respond to this suit. Southpeak requests an extension of time that is even longer than the twenty-one (21) days afforded under Fed. R. Civ. P. 12 to file a responsive pleading.

While it recently obtained counsel, Southpeak also purportedly requests an extension because it "has attempted to communicate with Codemasters" and so the parties may have a "meaningful discussion aimed at resolving" this matter. Southpeak had that opportunity prior to

the filing of this lawsuit, during which time it consistently refused to respond to Codemasters' efforts to resolve Southpeak's overdue payments. Codemasters thus had no choice but to file this suit.

Since this litigation has commenced, there has been no communications between the parties. Southpeak has merely emailed Codemasters' CEO within approximately the last week. Codemasters believes that this latest attempt is yet another delay tactic and is consistent with Southpeak's prior approach to not fulfilling their undisputed payment obligation to Codemasters. Good cause for an extension of time on these grounds, therefore, has not been shown and Codemasters respectfully requests that the Court deny Southpeak's motion.<sup>1</sup>

DATED: February 22, 2011

Respectfully submitted,

/s/

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<sup>1</sup> In the event the Court is inclined to grant an extension of time, Codemasters respectfully requests that such extension be modest (and no more than 7 days) rather than the month long extension Southpeak has requested, so that the normally expedited pace and procedures of this Court can commence.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of February, 2011, I electronically filed the foregoing Opposition to Defendant's Motion for Extension of Time with the Clerk of Court using the CM/ECF systems, which will send a notification of such filing (NEF) to the following:

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